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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/662,095

09/12/2003

Ashish Thusoo

50277-2256

8871

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7590

06/16/2009

HICKMAN PALERMO TRUONG & BECKER/ORACLE
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110-1083

EXAMINER

BETT, JACOB F

ART UNIT

PAPER NUMBER

2169

MAIL DATE

DELIVERY MODE

06/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ASHISH THUSOO

Application No. 10/662,095
Technology Center 2100

Mailed: June 16, 2009

Before PAMELA S. BENNETT, *Review Team Paralegal*.

BENNETT, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on October 15, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

EXAMINER'S ANSWER, EVIDENCE RELIED UPON

Section § 1207.02 of the *Manual of Patent Examining Procedure* (MPEP) (Eighth Edition, Rev. 6, September 2007) states, in part:

(A) CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

. . . .

(8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and in the case of nonpatent references, the relevant page or pages.

In response to an Appeal Center Return mailed December 11, 2007, the examiner included a revised "Evidence Relied Upon" on page 2 of the PTOL-90 mailed March 6, 2008. However, the "Evidence Relied Upon" section is still deficient because it fails to include "Oracle Corporation, "Oracle9i SQL Reference, Release 2 (9.2) known hereafter as [B]" cited on page 6 of the November 15, 2007 Examiner's Answer's 35 U.S.C. § 103 grounds of rejection of claims 8, 9, 11, 13, 22, and 24. Appropriate correction is required.

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner:

1) to issue a PTOL-90 citing the missing reference listed under the "Evidence Relied Upon" section, paragraph (8); and

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2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

PSB

Hickman Palermo Truong & Becker/Oracle
2055 Gateway Place
Suite 550
San Jose, CA 95110-1083